



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,268	10/01/2001	Joan M. Sweeney	403.031/10025985	4173
7590	09/12/2006		EXAMINER CHANDLER, SARA M	
Mark Ungerman Fulbright & Jaworski, L.L.P. 801 Pennsylvania Avenue, N.W. Washington, DC 20004			ART UNIT 3693	PAPER NUMBER

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/966,268		SWEENEY, JOAN M.	
	Examiner		Art Unit	
	Sara Chandler		3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/31/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The specification is objected to because the brief description of the drawing fails to describe what each of the Figures represents. See MPEP § 608.01(f). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tengel, US Pat. No. 5,940,812.

Re Claim 11: Tengel discloses a method for automating a loan application process comprising the steps of: generating a credit score based on data representative of a loan application and business logic rules (Tengel, abstract, Fig. 1; col. 6, lines 46-61); and determining a loan product available to an applicant using said credit score, lender loan product parameters, eligibility requirements (Tengel, abstract, Figs. 2A, 2B, 3A, 3B,4,5,6; col. 2, lines 33+ - col. 3, line 16; col. 4, lines 18- 35; col. 5, lines 12-28; col. 6, line 42+ – col. 7, line 5; col. 7, lines 39 - 49; col. 8, line 19+ - col. 9, line 54).

Re Claim 13: Tengel discloses a method for implementing an on-line underwriting system through a communications network comprising the steps of: collecting applicant information relating to a loan application (Tengel, abstract; Figs. 2A, 3A, 3B, 5, col. 2, lines 25-51; col. 3, lines 10-16; col. 7, lines 1-5; col. 8, line 19+ - col. 9, line 22); generating a credit score based on data representative of the loan application and business logic rules (Tengel, abstract, Fig. 1; col. 6, lines 46-61); determining a loan product available to an applicant using said credit score, lender loan product parameters, eligibility requirements (Tengel, abstract, Figs. 2A, 2B, 3A, 3B,4,5,6; col. 2, lines 33+ - col. 3, line 16; col. 4, lines 18- 35; col. 5, lines 12-28; col. 6, line 42+ – col. 7, line 5; col. 7, lines 39 - 49; col. 8, line 19+ - col. 9, line 54); and generating a term sheet for an applicant relating to the product and terms of an identified loan product (Tengel, abstract, Figs. 6,7; col. 9, lines 23- 54).

Claim Rejections - 35 USC § 103

Art Unit: 3693

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-5,7,8,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengal, US Pat. No. 5,940,812 in view of Dykstra, US Pat. No. 5,611,052.

Re Claim 1: Tengal discloses an automated loan application processing system comprising:

a credit scoring computer module whose actions are directed by software components (Tengal, abstract, Fig. 1; col. 6, lines 46-61); and

a loan product identifier responsive to said overall score, a loan product parameters, eligibility parameters, and business logic rules to identify a loan product whose requirements are satisfied by a particular loan application (Tengal, abstract, Figs. 2A, 2B, 3A, 3B,4,5,6; col. 2, lines 33+ - col. 3, line 16; col. 4, lines 18- 35; col. 5, lines 12-28; col. 6, line 42+ – col. 7, line 5; col. 7, lines 39 - 49; col. 8, line 19+ - col. 9, line 54).

Tengal fails to explicitly disclose a system comprising:

a credit scoring computer module whose actions are directed by software components wherein the credit scoring computer module includes a credit matrix which calculates an overall score on the basis of data representative of a particular loan application and business logic rules for a plurality of credit matrix categories.

Dykstra discloses an automated loan application processing system comprising: a credit scoring computer module whose actions are directed by software components wherein the credit scoring computer module includes a credit matrix which calculates an overall score on the basis of data representative of a particular loan application and business logic rules for a plurality of credit matrix categories (Dykstra, abstract, Figs. 1, 2A, 2D; col. 1, lines 5-11; col. 2, lines 25-62; col. 3, lines 33-48; col. 4, lines 41+ - col. 5, line 11; col. 5, lines 39- col. 6, lines 43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tengel by adopting the teachings of Dykstra to provide an automated loan application processing system comprising: a credit scoring computer module whose actions are directed by software components wherein the credit scoring computer module includes a credit matrix which calculates an overall score on the basis of data representative of a particular loan application and business logic rules for a plurality of credit matrix categories; and a loan product identifier responsive to said overall score, a loan product parameters, eligibility parameters, and business logic rules to identify a loan product whose requirements are satisfied by a particular loan application.

As suggested by Tengel, one would have been motivated to automatically determine a best available loan for a potential borrower; allow lenders to precisely scale and match loan attributes to the borrower's attributes; and provides easy access about the loan market for both potential borrowers and lenders.

Re Claim 2: Tengel discloses an automated loan application processing system, according to claim 1, further comprising:

a database, communicating with said credit scoring computer module and said loan product identifier, containing said business logic rules, said loan product parameters, and said eligibility parameters (Tengel, abstract, Fig. 1; col. 2, lines 33+ - col. 3, line 16; col. 4, lines 18- 35; col. 5, lines 12-28; col. 6, line 42+ – col. 7, line 5; col. 7, lines 39 - 49; col. 8, line 19+ - col. 9, line 54).

Re Claim 3: Tengel discloses an automated loan application processing system, according to claim 1, further comprising:

a web based applicant interface communicating with said database for collecting applicant information (Tengel, abstract; Figs. 1, 2A, 3A, 3B, 5, col. 2, lines 25-51; col. 3, lines 10-16; col. 7, lines 1-5; col. 8, line 19+ - col. 9, line 22).

Re Claim 4: Tengel discloses an automated loan application processing system, according to claim 1, further comprising:

an automated query interface communicating with said database for collecting external credit information (Tengel, abstract, Fig. 1, 2A, 9; col. 2, lines 33-51; col. 3, lines 10-16; col. 6, line 42-45; col. 8, line 66+ - col. 9, line 31).

Re Claim 5: Tengel discloses an automated loan application processing system, according to claim 1, further comprising a term sheet generator (Tengel, abstract, Figs. 6,7; col. 9, lines 23- 54).

Re Claim 7: Tengel discloses an automated loan application processing system, according to claim 4, wherein said external credit information is credit history report from a third party source (Tengel, abstract, Fig. 1, 2A, 9; col. 2, lines 33-51; col. 3, lines 10-16; col. 6, line 42-45; col. 8, line 66+ - col. 9, line 31).

Re Claim 8: An automated loan application processing system, according to claim 1, wherein said business logic rules include at least one of the following parameters: repayment ability, collateral, management experience, personal credit history, leverage & equity, and working capital (Tengel, abstract, Figs. 2A, 2B, 3A, 3B,4,5,6; col. 2, lines 33+ - col. 3, line 16; col. 4, lines 18- 35; col. 5, lines 12-28; col. 6, line 42+ – col. 7, line 5; col. 7, lines 39 - 49; col. 8, line 19+ - col. 9, line 54).

Re Claim 10: Tengel fails to explicitly disclose an automated loan application processing system, wherein said credit matrix is divided into multiple categories, such as, repayment ability, collateral, management experience, personal credit history, leverage & equity, and working capital. Dykstra discloses an automated loan application processing system, according to claim 1, wherein said credit matrix is divided into multiple categories, such as, repayment ability, collateral, management experience, personal credit history, leverage & equity, and working capital (Dykstra, abstract, Figs. 1, 2A, 2D; col. 1, lines 5-11; col. 2, lines 25-62; col. 3, lines 33-48; col. 4, lines 41+ - col. 5, line 11; col. 5, lines 39- col. 6, lines 43). It would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify the teachings of Tengel by adopting the teachings of Dykstra to provide an automated loan application processing system, wherein said credit matrix is divided into multiple categories, such as, repayment ability, collateral, management experience, personal credit history, leverage & equity, and working capital. As suggested by Tengel, one would have been motivated to automatically determine a best available loan for a potential borrower; allow lenders to precisely scale and match loan attributes to the borrower's attributes; and provides easy access about the loan market for both potential borrowers and lenders.

Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel and Dykstra as applied to claim 1 above, and further in view of Davidson, US Pat. No. 5,699,527.

Re Claim 6: Tengel fails to explicitly disclose an automated loan application processing system, further comprising: a web based business development offer interface communicating with said database for reviewing applicant information. Davidson automated loan application processing system, further comprising: a web based business development offer interface communicating with said database for reviewing applicant information (Davidson, abstract, col. 1, lines 15+ - col. 2, line 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tengel and Dykstra by adopting the teachings of Davidson to provide an automated loan application processing system, further comprising: a web based business development offer interface communicating with said database for reviewing

applicant information. As suggested by Davidson one would have been motivated to provide a shorter time period for processing business loan applications.

Re Claim 9: Tengel fails to explicitly disclose an automated loan application processing system, wherein said eligibility parameters include Small Business Administration loan eligibility requirements. Davidson automated loan application processing system, wherein said eligibility parameters include Small Business Administration loan eligibility requirements (Davidson, abstract, col. 1, lines 15-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tengel and Dykstra by adopting the teachings of Davidson to provide an automated loan application processing system, wherein said eligibility parameters include Small Business Administration loan eligibility requirements. As suggested by Davidson one would have been motivated to provide a shorter time period for processing business loan applications.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel as applied to claim 11 above, and further in view of Dykstra, US Pat. No. 5,611,052.

Re Claim 12: Tengel fails to explicitly disclose a method for automating a loan application process, wherein said credit score is calculated by generating an overall score for a plurality individual variables within a credit matrix. Dykstra discloses a method for automating a loan application process, wherein said credit score is calculated by generating an overall score for a plurality individual variables within a credit matrix (Dykstra, abstract, Figs. 1, 2A, 2D; col. 1, lines 5-11; col. 2, lines 25-62; col. 3, lines 33-48; col. 4, lines 41+ - col. 5, line 11; col. 5, lines 39- col. 6, lines 43). It

would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tengel by adopting the teachings of Dykstra to provide a method for automating a loan application process, wherein said credit score is calculated by generating an overall score for a plurality individual variables within a credit matrix. As suggested by Tengel, one would have been motivated to automatically determine a best available loan for a potential borrower; allow lenders to precisely scale and match loan attributes to the borrower's attributes; and provides easy access about the loan market for both potential borrowers and lenders.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Lynch, US Pat. No. 6,823,319 - loans;
Lebda, US Pat. No. 6,385,594 - loans;
Walker, US Pat. No. 6,088,686 - loans;
Sinclair, US Pat. No. 6,208,979 – loans;
Fletcher, US Pat. No. 6,112,190 – loans;
Baker, US Pub. No. 20020138414 – loans;
Sweeney, US Pub. No. 20030065614 - loans; and
Munoz, US Pub. No. 20020198822 – loans.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC


ELLA COLBERT
PRIMARY EXAMINER